



APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, August 12, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, Leider and Bichkoff.

ALSO PRESENT: Steve McNellis, Director of Community and Economic Development, and Stephen Robles, Village Planner.

ABSENT: Trustee Liaison Brandt and Member Van de Kerckhove.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:00 p.m.

1.0 ROLL CALL

The roll was called by **Village Planner Robles** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, July 8, 2014.

Member Kalina moved and **Member Bichkoff** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, July 8, 2014, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 PUBLIC HEARING regarding proposed Text Amendments to Title 6, Zoning, of the Lincolnshire Village Code to establish zoning regulations on the establishment and operation of medical cannabis-related uses (Village of Lincolnshire).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Village Planner Robles presented Staff's memorandum and noted the Compassionate Use of Medical Cannabis Pilot Program Act was signed into law in August 2013 and became effective on January 1st. As the Zoning Board was aware, the new Act does not permit communities to prohibit these uses through zoning. As a result, the Zoning Board held workshops in June and July to discuss reasonable zoning regulations on the establishment of such uses in the Village.

Village Planner Robles then provided a brief summary of the Draft Code. Two new definitions had been created based on the same terminology used by the State Act for consistency purposes. From the past workshops, the Zoning Board determined the Office/Industrial District is best suited for dispensing organization operations. Dispensaries would be a Special Use specifically in the O/Id subdistrict, subject to twelve regulations. The majority of the regulations follow the State Act and were carried over into the Zoning Code for Staff unfamiliar with the entirety of the State Act. **Village Planner Robles** further explained Staff made sure to include specific lot requirements

and off-street parking specifications for dispensaries in the Draft Code as a result of the new special use.

There being no public comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

Member Leider questioned if the proposed regulations had been reviewed to uncover any potential conflicts. **Village Planner Robles** indicated both Staff and the Village Attorney have conducted multiple reviews of the draft code, with the provided draft as a result of such reviews.

There was a consensus among the members in support of this request and the following motion was read:

***Member Leider** moved and **Member Kalina** seconded a motion, to recommend approval to the Village Board, based on facts covered in a Public Hearing held on August 12, 2014, of amendments to Title 6 of the Lincolnshire Zoning Code to establish zoning regulations on the establishment and operation of medical cannabis-related uses, as presented in Staff's memorandum.*

The motion passed unanimously by voice vote.

- 3.2 PUBLIC HEARING regarding proposed Text Amendments to Chapter 2, Definitions, Chapter 5D, Mixed Use General Residence District, Chapter 6, Business Districts, and Chapter 8, Office/Industrial Districts, of Title 6 of the Lincolnshire Village Code to revise the Permitted Uses and Special Uses permitted within the Village's commercial and office zoning districts (Village of Lincolnshire).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Village Planner Robles presented that in June, Staff approached the Village Board regarding challenges Lincolnshire's commercial sector faced in maintaining and growing a steady commercial tenant mix throughout the Village. As a result, Staff was authorized to review the current permitted and special uses in the commercial zoning districts to sustain and encourage commercial development within the Village's centers.

Village Planner Robles started with the R5 Mixed Use General Residence District, which he explained was intended for mixed-uses incorporating multi-family residential uses adjacent to commercial districts and also accommodated a limited mix of selected retail uses. He explained the permitted uses list only permitted single-family attached and community residential homes, which was contrary to the mixed-use intent of the District. Conversely, the special uses list more closely resembled the true intent of the R5, which created conflicts in achieving the purpose of the R5 District. The Permitted and Special Uses list had been updated to more accurately reflect the current development of this District and included an expanded list of commercial uses.

There was a consensus amongst the Zoning Board of the proposed text amendments.

Village Planner Robles continued with the B1 and B2 commercial retail districts and explained the current code limited ground floor uses occupied by non-sales tax generating uses to a maximum of 25% of gross floor area, except for buildings constructed prior to January 1, 1995. That limitation was to ensure retention of sales tax

generating uses on the ground floor in commercial districts. The current 25% restriction was rather limiting and Staff proposed a moderate increase in the restriction to 33% or 1/3 of the of the gross floor area. He explained the proposed increase was based on the trend of development where service/office uses were more frequently being incorporated into commercial centers.

Chairman Manion questioned if the proposed increase to 33% was speculative or a studied number. **Director McNellis** explained the increase was based on observations of current market trends. He cited a past request from Baceline, the current management company of the Village Green Retail Center, who was then restrained by a TIF development agreement, which also included a similar ground floor restriction, and sought to increase the percentage of non-sales tax generating uses allowed. Baceline ultimately determined it made more financial sense to forego the remaining TIF increment, in order to eliminate the ground floor sales tax limitation. **Member Leider** inquired if the proposed increase was enough or should be further increased. **Chairman Manion** expressed his willingness to increase the limitation to 50%. **Member Lieder** commented his instinct was an overall increase to 40% and agreed 25% to 35% was not enough to make an impact. **Director McNellis** noted that Lincolnshire is a small community, with a small share of commercial uses. Therefore, a reduction in commercial space would result in less commercial sales tax generating uses in the Village, which could have a real impact. **Chairman Manion** countered that additional office occupancies could create ancillary increases in customers within the commercial centers.

Following discussion on this matter, the Zoning Board requested Staff conduct additional research on the impacts on limiting non-sales tax generating uses on the ground floor.

Village Planner Robles continued with Staff's presentation, and explained the permitted uses list is an exhaustive list of all permitted commercial uses within the B1 & B2 Districts, which contained outdated terminology and redundancy of similar uses. As a result, the permitted uses list had been streamlined to include the classification of "general retail and services uses", as well as updated and common terms, and inclusion of additional desired uses. He further explained the Special Uses section outlined uses with unique characteristics that required additional Village review. Some of the uses no longer posed as great an impact as previously thought and had been relocated to the Permitted Uses. Additional uses had also been added to stay relevant with current trends.

There was a consensus amongst the Zoning Board supporting the proposed text amendments to the permitted and special uses list.

Village Planner Robles moved on to the E Small Scale Office District, explaining the District contained two subdistricts, Ea and Eb, which were intended to accommodate low density office uses. Although the District contained two subdistricts, the permitted and special uses list applied to both subdistricts, which Staff questioned the need for such. Staff had also updated the categories of uses and reduced redundancy, along with the removal of incompatible land uses.

There was a consensus amongst the Zoning Board supporting the proposed text amendments.

Village Planner Robles continued to explain the bulk regulation Sections, which defined the minimum and maximum bulk regulations for both the Ea and Eb Districts. Since Staff recommended one overall E District, he explained further Staff analysis of these Sections was necessary to determine appropriate merging of these regulations.

Village Planner Robles proceeded with the Office/Industrial District, which contained four subdistricts. The O/Ia subdistrict accommodated professional offices and corporate headquarters, with no industrial activities. He explained that the current permitted uses list generally aligned with the purpose of the zoning category and only minor revisions were necessary. The second subdistrict, O/Ib, consisted of office dominant uses, with restricted industrial uses. Uses permitted in the O/Ia subdistrict carried through to the O/Ib. Minor revisions occurred, with many items removed as they were already outlined in the preceding O/Ia subdistrict.

Village Planner Robles continued with the O/Ic subdistrict which permitted light industrial and warehousing uses, with limited affiliated office space. Uses of the O/Ia and O/Ib were also permitted in the subdistrict. Historically, the industrial/warehouse sector of the Village has been limited to individual use operations with no multi-tenancy, excluding buildings that consisted entirely for office uses. In 2009, Staff sought an amendment to permit multi-tenant uses in larger buildings in which it may be difficult to find a single user. Based on concerns regarding multiple smaller units within a single building, the outcome was buildings no less than 100,000 square feet could subdivide into spaces no smaller than 50,000 square feet. Since the amendment, no such subdivisions had occurred and Staff continues to receive periodic requests for multi-tenant uses smaller than the minimum. Staff once again questioned if consideration to reduce the multi-tenant requirements would be appropriate.

Chairman Manion questioned what was the perceived problem with multi-tenant uses in industrial buildings. **Director McNellis** commented that such restriction could have been a carry-over from the 1980's, where the Village did not prefer the appearance of small spaces with multiple uses, signage, etc. **Chairman Manion** expressed the Office/Industrial zoned parcels were not located near residential areas and hidden from public view, which he felt it was better to fill-up the vacancies.

Discussion ensued regarding the merits of the current multi-tenant limitations of the O/Ic District. At the conclusion of the discussion, the Zoning Board directed Staff to research the potential in decreasing the minimum size for multi-tenant spaces.

Village Planner Robles proceeded with the O/Id subdistrict which permitted the most intense uses of light manufacturing, industrial and warehouse uses. Another purpose of the O/Id is uses requiring railroad service from the adjoining rail line, which had yet to occur. Beyond that, Staff was uncertain if rail access would even be provided by the rail line authority. Staff questioned if regulations related to rail access were warranted now or in the foreseeable future, and if they should be simply removed from the Code.

Minor discussion ensued regarding the benefits of retaining the current code regulations for rail service. At the conclusion of discussion, the Zoning Board directed Staff to decide if the railroad service should remain.

There being no public comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

The Zoning Board unanimously agreed to continue the Public Hearing to allow Staff to conduct additional research based on the direction provided by the Zoning Board and allow for additional public comment.

- 3.3 Consideration and discussion of Amendments to the 2012 Update to the Comprehensive Plan (Village of Lincolnshire).

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** sought a motion for adjournment. **Member Kalina** moved, and **Member Bickhoff** seconded the motion to adjourn. The meeting adjourned at 9.21 p.m.

Minutes Submitted by Stephen Robles, Village Planner.